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8 Attorneys for Defendants
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and Bernard Puckett

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

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15 MANFRED HACKER,) CASE NO.: 06-cv-03468-SI
16 Plaintiff,)
17 vs.) STIPULATION AND [PROPOSED]
18 DAVID PETERSCHMIDT; DONALD) ORDER EXTENDING TIME TO
LISTWIN; JOSHUA PACE; STEVEN) RESPOND TO AMENDED COMPLAINT
19 PETERS; AL SNYDER; SIMON)
WILKINSON; KENNETH DENMAN; BO)
20 HEDFORS; GERALD HELD; MASOOD)
JABBAR; BERNARD PUCKETT,)
21)
22 Defendants,)
23 -and-)
24 OPENWAVE SYSTEMS, INC.,)
25 Nominal Defendant.)
26)
27)

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Stipulation. and [Proposed] Order Extending
Time To Respond To Amended Complaint
Case No. 06-cv-03468-SI

STIPULATION

2 WHEREAS, on May 30, 2006, plaintiff filed the original complaint in this shareholder
3 derivative action;

4 WHEREAS, pursuant to a prior stipulation among the parties, on July 17, 2006, plaintiff
5 filed an amended complaint in this action;

WHEREAS, pursuant to the parties' prior stipulation, defendants' time to answer, move or otherwise respond to the amended complaint is set for August 18, 2006;

8 WHEREAS, since the parties executed the prior stipulation, three other purported
9 shareholders of nominal defendant Openwave Systems, Inc. have filed separate shareholder
10 derivative actions in this Court;

11 WHEREAS, with multiple cases pending and to allow plaintiff sufficient time to consider
12 and take appropriate action in light of the pendency of those other cases, plaintiff has agreed to
13 grant defendants a further extension of time to September 18, 2006, to answer, move or
14 otherwise respond, if necessary, to the amended complaint in this action;

15 WHEREAS, the parties hereto believe this Stipulation is in the best interest of judicial
16 economy;

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1 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
2 the parties hereto, subject to approval of the Court, that defendants shall answer, move or
3 otherwise respond to the amended complaint, if necessary, no later than September 18, 2006.

4 Dated: August 2, 2006

5 By: /s/ Amy S. Park

6 Amy S. Park (208204)
7 SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
300 South Grand Avenue, Suite 3400
Los Angeles, CA 90071-3144

8 Attorneys for Defendants Kenneth
9 Denman, Bo Hedfors, Masood Jabbar
and Bernard Puckett

10 Dated: August 2, 2006

11 By: /s/ Shirish Gupta

12 Lee H. Rubin, (141331)
Shirish Gupta, (205584)
13 MAYER, BROWN, ROWE
& MAW LLP
14 Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306

15 Attorneys for Defendants Don
16 Listwin, Joshua Pace, Dave
17 Peterschmidt, Allen Snyder, Simon
Wilkinson

18 Dated: August 2, 2006

19 By: /s/ Jeffrey K. Li

20 Jeffrey K. Li (186305)
OPENWAVE SYSTEMS, INC.
21 2100 Seaport Boulevard
Redwood City, CA 94063

22 Attorney for Defendant Openwave
Systems, Inc.

23 Dated: August 2, 2006

24 By: /s/ Arthur L. Shingler III

25 Arthur L. Shingler III (181719)
SCOTT + SCOTT, LLC
600 B Street, Suite 1500
San Diego, CA 92101

26 Attorney for Plaintiff

1 **[PROPOSED] ORDER**
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4 Upon stipulation of the parties, and good cause appearing:
5 Defendants shall answer, move or otherwise respond to the amended complaint no later
than September 18, 2006.

6 IT IS SO ORDERED.
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8 Dated: 08/04/06

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12 United States District Judge
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1 I, Amy S. Park, am the ECF User whose identification and password are being used to
2 file this Stipulation and [Proposed] Order Extending Time To Respond To Amended Complaint.
3 In compliance with General Order 45.X.B, I hereby attest that each of the counsel executing the
4 Stipulation has concurred in this filing.

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6 Dated: August 2, 2006

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP

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By: /s/ Amy S. Park
Amy S. Park

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10 Attorneys for Defendants
11 Kenneth Denman, Bo Hedfors,
12 Masood Jabbar and Bernard Puckett

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